

United States  
Circuit Court of Appeals

For the Ninth Circuit.

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EDWARD CLIFFORD, Superintendent of the Department of Labor and Industries of the State of Washington, and E. S. GILL, Supervisor of Industrial Insurance of the Department of Labor and Industries of the State of Washington,

Appellants,

vs.

THOMAS W. MILLER, Alien Property Custodian of the United States of America,

Appellee.

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Transcript of Record.

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Upon Appeal from the United States District Court  
for the Western District of Washington,  
Southern Division.

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FILED

JAN 15 1923

F. D. MONCKTON,  
CLERK.



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Circuit Court of Appeals

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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**Names and Addresses of Attorneys of Record.**

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Seattle, Washington,  
Of Counsel.

H. G. ROWLAND, 410 Equitable Bldg., Tacoma,  
Washington,

Attorney for Appellee. [1\*]

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\*Page-number appearing at foot of page of original certified Trans-  
cript of Record.

In the District Court of the United States for the  
Western District of Washington, Southern  
Division.

No. 155—E.

THOMAS W. MILLER, Alien Property Custodian  
of the United States of America,  
Plaintiff,

vs.

STATE OF WASHINGTON, a Body Politic, ED-  
WARD CLIFFORD, Superintendent of the  
Department of Labor and Industries of the  
State of Washington, and E. S. GILL, Super-  
visor of Industrial Insurance of the Depart-  
ment of Labor and Industries of the State of  
Washington,

Defendants.

### **Complaint.**

Comes now the above-named plaintiff and com-  
plaining of the above-named defendants alleges and  
says:

#### **I.**

That the above-named plaintiff is the duly ap-  
pointed qualified and acting Alien Property Custodian of the United States of America, appointed by the President of the United States under and by virtue of an act of Congress of the United States of America, known as the "Trading with the Enemy Act," passed on the 6th day of October, 1917, and the acts of Congress amendatory and supplementary



thereto, possessing all the powers granted by said acts of Congress and the executive orders issued in pursuance thereof.

## II.

That at all times herein mentioned the defendant, State of Washington was and is now a body politic, and one of the sovereign state of the United States of America, and the defendant, Edward Clifford is the duly appointed, qualified and acting Superintendent of Labor and Industries of the said State of Washington; and the defendant E. S. Gill [2] is the duly appointed, qualified and acting Supervisor of Industrial Insurance, and under said Superintendent of Labor and Industries of the State of Washington; that the said Department of Labor and Industries of the State of Washington has charge of the administration of the "Workingmen's Compensation Law" so called of the State of Washington; that it is the duty of said Edward Clifford and E. S. Gill as such officers of said Department of Labor and Industries of the State of Washington, to pass upon all claims arising under said Workingmen's Compensation Law, and direct the payment thereof out of the funds of the State of Washington collected and set aside for that purpose, to the parties entitled thereto.

That the said Edward Clifford, as Superintendent of Labor and Industries, and the said E. S. Gill, as Supervisor of Industrial Insurance, have the power, and it is their duty through and by means of the Division of Industrial Insurance of the Department of Labor and Industries of the State of Washington,

to exercise all the power and perform all the duties formerly vested in and required to be performed by the former Industrial Insurance Department of the State of Washington, and the former commissioners thereof; that all of said defendants are residents of the Judicial District above named.

### III.

That on the 6th day of April, 1917, by a joint resolution of Congress, a state of war was declared to exist between the United States and the Imperial German Government, and on the 7th day of December, 1917, by a joint resolution of Congress, a state of war was declared to exist between the [3] United States of America and the Imperial and Royal Austro-Hungarian Government; that the Kingdom of Bulgaria was an ally of Austria-Hungary and Germany in said war, and as such became subject to the provisions of said "Trading with the Enemy Act"; that between the time when the United States declared war against the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, as herein set forth, and the date of the passage of the resolution of Congress terminating such wars, reserving therein to the United States and the Alien Property Custodian all the rights held theretofore under the said, "Trading with the Enemy Act," sundry persons, being subjects of the Imperial German Government, the Imperial and Royal Austro-Hungarian Government and the Kingdom of Bulgaria, an ally of said two last-mentioned governments, domiciled with the State of Washington, and having dependants resid-

ing in the several nations of which they were subjects, were entitled, under the provisions of said Workingmen's Compensation Law, to certain moneys in the fund set aside by the State of Washington, for that purpose, the claims of said dependants upon said fund having been duly approved and allowed by the above-named officers, or their predecessors, in due course; that in many cases warrants for the payment of such funds were actually issued in the name of the beneficiaries but not delivered to them, but held by the said officers of said Department of Labor and Industries of the State of Washington, and in all other cases where the warrants were not issued, the claims were duly approved and allowed, and said beneficiaries became entitled to the issuance of warrants for the payment of the said several sums; that [4] attached hereto and made a part of this complaint, are three schedules respectively entitled, Schedule "A," Schedule "B" and Schedule "C."

That Schedule "A" contains a statement of all claims due to subjects of the Imperial German Government arising under the Workingmen's Compensation Law of the State of Washington; that Schedule "B" contains a statement of all claims due to subjects of the Imperial and Royal Austro-Hungarian Government arising under the Workingmen's Compensation Law of the State of Washington; that Schedule "C" contains a statement of all claims due to subjects of the Kingdom of Bulgaria arising under the Workingmen's Compensation Law of the State of Washington; that said

several schedules show severally the name of the deceased, the name and residence of the beneficiaries, the date of death, the total amount of warrants issued and not delivered; and now held by the Department of Labor and Industries of the State of Washington, and also the total number of warrants and the amount thereof that should have been issued to certain alien enemy beneficiaries from the date when the warrants were issued up to and including the date of the declaration of peace between the United States of America and the Imperial German Government and the Imperial and Royal Austro-Hungarian Government.

#### IV.

That all of said claims shown by the said schedules, in pursuance to the provisions of the "Trading with the Enemy Act" were reported to the Alien Property Custodian of the United States of America by the said defendants, and a demand in writing therefor was made of said defendants [5] by the Alien Property Custodian of the United States of America, prior to the declaration of peace between the United States and said Imperial German Government and Imperial and Royal Austro-Hungarian Government, the said Alien Property Custodian, having determined that said warrants and said sums of money due as shown by the said schedules were due to enemies, or allies of enemies of the United States of America, not holding a license from the President of the United States, that said demands were refused upon the part of the said defendants; that said warrants and said money

are now in the possession and control of the State of Washington and the other defendants above-named who hold the same as trustees for such former alien enemies and allies of alien enemies described in said schedules.

V.

That in pursuance of said "Trading with the Enemy Act" and the executive orders issued thereunder, the said Alien Property Custodian, on the 10th day of November, 1921, duly appointed one Harry G. Rowland as his representative in the State of Washington; that the said plaintiff is entitled to the delivery of the warrants described in said schedules, and to the payment to him of the amounts due to the said former alien enemies of the United States described therein.

WHEREFORE the plaintiff prays that an order be issued directed to the United States Marshal of the above-named Court directing him to seize the warrants above described; that an order be issued citing the above-named defendants to appear at the time and place to be appointed by this Court [6] to show cause why they should not deliver forthwith to the above-named plaintiff the said warrants and pay over to him the various amounts shown in the said schedules hereto attached; that upon the return of such order to show cause that all of the warrants and moneys described herein be paid over



to plaintiff; that plaintiff receive his costs and disbursements of and from the defendants.

THOMAS W. MILLER,  
Alien Property Custodian of the United States of  
America.

By HARRY G. ROWLAND,  
Representative and Attorney.  
Office and P. O. Address:  
410 Equitable Bldg.,  
Tacoma, Washington.

State of Washington,  
County of Pierce,—ss.

Harry G. Rowland, being first duly sworn, on oath deposes and says: That he is the duly appointed, qualified and acting representative of Thomas W. Miller, Alien Property Custodian of the United States of America, and the plaintiff above-named; that he has read the foregoing complaint, knows its contents and believes the same to be true; that he makes this affidavit for and in behalf of the plaintiff.

HARRY G. ROWLAND.

Subscribed and sworn to before me this 19th day of July, 1922.

[Notary Seal] DIX H. ROWLAND,  
Notary Public in and for the State of Washington,  
Residing at Tacoma. [7]

#### SCHEDULE "A."

Statement of Warrants and Sums of Money Due,  
Under the Workingmen's Compensation Law of  
the State of Washington, to Subject of the

Imperial German Government, a Former Alien Enemy of the United States of America, Which Have Been Reported to the Alien Property Custodian of the United States of America, and Demanded by Him.

Workman's Name: Philip Weimer.

Claim No. 1616.

Date of Death: November 21, 1911.

Employer: Greenway & Leach, Yakima, Wash.

Claimants or Beneficiaries: Samuel Weimer (father).

Address: Nene Strasse 16, Sippersfeld, Rockenhansen, Pfalz, Germany.

Warrants drawn but not delivered: From October 17, 1914 to and including April 15, 1918. 43 warrants at \$2.50 each.

Payments accrued but no warrants drawn:

From April 15, 1918, to November 17, 1921:

43 warrants @ \$2.50 each . . .	\$107.50
1 warrant @ .35 . . . .	.35

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\$107.85

[8]

### SCHEDULE "B."

Statement of Warrants and Sums of Money Due, Under the Workingmen's Compensation Law of the State of Washington, to Subjects of the Imperial and Royal Austro-Hungarian Government, Former Alien Enemies of the United

States of America, Which Have Been Reported  
to the Alien Property Custodian of the United  
States of America, and Demanded by Him.

## #1.

Workman's Name: Bosko Popovich.

Claim No. 314.

Date of Death: October 21, 1911.

Employer: Stone & Webster Eng. Co.,  
Inc., Bellingham, Wash.

Claimants or Beneficiaries: Stanica  
Popovich.

Address: Vehovine Cratia, Hungary.

Warrants drawn but not delivered:

#108246	10-17-16	\$10.15
127823	4-16-17	10.15
145208	10-10-17	10.15
161848	4-15-18	10.15

Payments accrued but no warrants  
drawn:

From April 15, 1918, to November 17,  
1921:

43 Warrants @ \$10.15 ea....	\$436.45
1 Warrant @ .68 ....	.68

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437.13	\$437.13
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## #2.

Workman's name: Pajo Zakula.

Claim No. 44324.

Date of death: October 19, 1914.

Employer: Lehigh Portland Cement Co.,  
Metaline Falls, Washington.

Claimants or Beneficiaries: Mika Zakula.



Address: House 188, Viprla, Community  
of Kornica, Province of Croatia.

Warrants drawn but not delivered: For  
September 15, 1916, to and including  
May 15, 1918, or 21 warrants at \$35  
each.

Payments accrued but no warrants  
drawn:

From May 15, 1918 to November 17,  
1921:

42 warrants @ \$35 each ....\$1470.00

1 warrant @ 2.33 .... 2.33

---

1472.33      1472.33

#3.

Workman's Name: Martin Kosich.

Claim No. 48343.

Date of death: February 26, 1915.

Employer: Schafer Bros. Logging Co.,  
Satsop, Wash.

Claimants or Beneficiaries: Josefa Ko-  
sich.

Address: Racice 49, Castelnuo, Istria,  
Austria.

Warrants drawn but not delivered: War-  
rants from February 14, 1917, to and  
inclusive of May 15, 1918. Sixteen  
warrants at \$25 each.

Warrant to *w.*

Payments accrued but no warrants  
drawn:

From May 15, 1918, to November 17,  
1921:

42 warrants @ \$25 each ....\$1050.00

1 warrant @ 1.66 .... 1.66

---

1051.66

Amt. forwarded ..... 2961.12

[9]

Amt. brought forward.....\$ 2961.12

#4.

Workman's Name: Mate Ovcarcic.

Claim No. 36034.

Date of Death: April 8, 1914.

Employer: Coates Fordney Logging Co.,  
Aberdeen, Wash.

Claimants or beneficiaries: Maria Ovcarcic.

Address: Male Maune, #33, Community  
of Podrad, Istria, Austria.

Warrants drawn but not delivered: Warrants for September 15, 1916, to May 15, 1918, Inc. 21 warrants at \$35.00 each.

Payments accrued but no warrants drawn:

From May 15, 1918, to November 17,  
1921:

42 warrants @ 35.00 each ..\$1470.00

1 warrant @ 2.33 ... 2.33

---

\$1472.33 1472.33

#5.

Workman's Name: Stanisa Zakula.

Claim No. 36776.

Date of Death: April 23, 1914.

Employer: Lehigh Portland Cement Co.,  
Metaline Falls, Washington.

Claimants or Beneficiaries: Bude Zakula  
(for self and Seba), Dependent father  
and mother.

Address: Trena, House 45, Nova Grad-  
ska, Croatia, Hungary.

Warrants drawn but not delivered: War-  
rants payable to Bude Zakula, Septem-  
ber 15, 1916, to September 15, 1917.  
13 warrants at \$20 each.

Payments accrued but no warrants  
drawn:

From September 15, 1917, to November  
17, 1921:

50 Warrants at \$20 each.....1000.

1 Warrant at 1.33.....1.33

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1001.33    \$1001.33

#6.

Workman's Name: John (Ivan) Bozich.

Claim No. 37307.

Date of death: May 9, 1914.

Employer: Columbia Contract Co., Fisher,  
R. F. D. #2, Camas, Washington.

Claimants or Beneficiaries: Katherine  
Bozich and John (son).

Address: House #18, Brest, Pinguente,  
Istria, Austria.

Warrants drawn but not delivered: October 17, 1916 to and inclusive May 15, 1918, 21 warrants at \$25 ea.

Payments accrued but no warrants drawn:

From May 15, 1918, to November 17, 1921:

13 warrants @ \$25 each	.....	\$430.00
1 warrant @ 5.00	.....	5.00
24 warrants @ 20.00	.....	480.00
4 warrants @ 20.00	.....	80.00
1 warrant @ 17.32	.....	17.32

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1012.32	1012.32
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Amt. forwarded	.....\$	6447.10
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[10]

Amt. brought forward	.....	6447.10
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#7.

Workman's Name: Vajo Zigich.

Claim No. 37308.

Date of death: May 9, 1914.

Employer: Columbia Contract Co., R. F.

D. #2, Camas, Washington.

Claimants or Beneficiaries: Kate Zigic (mother).

Address: House #43, Dugidol, Vrhovine, Otocac, Croatia, Hungary.

Warrants drawn but not delivered: September 15, 1916, to and inclusive of April 15, 1918, 20 warrants at \$5.80 each.

Payments accrued but no warrants  
drawn:

From April 15, 1918 to November 17,  
1921:

43 warrants at \$5.80 each....251.40

1 warrant .39..... .39

---

251.79

251.79

#8.

Workman's Name: John Nikolac.

Claim No. 38046.

Date of Death: May 26, 1914.

Employer: General Package Mfg. Co.,  
Aberdeen, Wash.

Claimants or Beneficiaries: Mara Niko-  
lac (widow) and Jure, Matija, Nikola,  
Nedilkja and Milica, (children).

Address: Plina, PO. Kormin, Dalmacia,  
Austria.

Warrants drawn but not delivered: From  
May 17, 1915, to and inclusive of May  
15, 1918, 37 warrants at \$35 each.

Payments accrued but no warrants  
drawn:

From May 15, 1918, to November 17,  
1921:

42 warrants @ 35.00 each ..\$1470.00

1 warrant @ 2.33 ... 2.33

---

1472.33

1472.33

## #9.

Workman's Name: Tony (erch) Erceg.

Claim No. 39852.

Date of death: June 30, 1914.

Employer: Easter & Western Lbr. Co.,  
Kelso, Wash.

Claimants or Beneficiaries: Joze Erceg  
(father).

Address: Podbabje, Imotski, Dalmatia,  
Austria.

Warrants drawn but not delivered: From  
September 15, 1916, to and including  
April 15, 1918. 20 warrants at \$7.55  
each.

Payments accrued but no warrants  
drawn:

From April 15, 1918, to November 17,  
1921:

43 warrants @ \$7.55 each ...\$324.65

1 warrant @ .51 .... .51

---

325.16

325.16

## #10.

Workman's Name: Antone Garamanich.

Claim No. 40459.

Date of death: September 30, 1914.

Employer: Booth Fisheries Co., Ana-  
cortes, Wash.

Claimants or Beneficiaries: Katrina Car-  
aminich (mother).

Address: 299 St. Nicholas St. Lussin-  
grande, Capitanat of Lussingiccola,  
Istria, Austria.

---

Amt. forwarded .....\$ 8496.38

[11]

Amt. brought forward .... \$ 8,496.38

Warrants drawn but not delivered:

From September 15, 1916, to and in-  
cluding April 15, 1918, 20 warrants  
at \$8.35 each.

Payments accrued but no warrants  
drawn: From April 15, 1918, to No-  
vember 17, 1921:

43 Warrants at \$8.35 each \$359.05

1 Warrant at .56 .56

---

359.61 359.61

#11.

Workman's Name: John Setka.

Claim No. 42228.

Date of Death: August 31, 1914.

Employer: Manley Moore Lbr. Co.,  
Tacoma, Wash.

Claimants or Beneficiaries: Nikola  
Setka and Matija Setka (father and  
mother).

Address: Desne, Jomin, Opuzen, Dalma-  
cia, Austria.

Warrants drawn but not delivered:

From September 15, 1916, to and in-  
cluding March 14, 1918. 20 warrants  
at \$5.20 each.

Payments accrued but no warrants  
drawn: From March 14, 1918, to No-  
vember 17, 1921:

44 warrants @ \$5.20 each	\$228.80	
1 warrant @ .52	.52	

	<hr/>	
	\$229.32	229.32

#12.

Workman's Name: Valmer Strelec.

Claim No. 52020.

Date of death: June 7, 1915.

Employer: Carbon Coal & Clay Co.,  
Bayne, Wash.

Claimants or Beneficiaries: Rosalija  
Strelec (widow).

Address: 171 Novi Varos, Mrkopalj,  
Croatia, Austria-Hungary.

Warrants drawn but not delivered:  
From December 17, 1915, to and in-  
cluding May 15, 1918, 32 warrants at  
\$35 each.

Payments accrued but no warrants  
drawn: From May 15, 1918, to No-  
vember 17, 1921:

42 warrants @ \$35.00 each	\$1470.00	
1 warrant @ 2.33	2.33	

	<hr/>	
	1472.33	1,472.33

#13.

Workman's Name: Joseph Majkut.

Claim No. 5312.

Date of Death: April 15, 1912.



Employer: Pacific Coast Coal Co., Burnett, Wash.

Claimants or Beneficiaries: Meri Majkut.

Address: Henzlofalva, Gomor Megye, U. P. Mereny, Hungary.

Warrants drawn but not delivered:  
From September 15, 1916, to and including May 15, 1918. 21 warrants at \$18.75 each.

Payments accrued but no warrants drawn: From May 15, 1918, to November 17, 1921:

42 warrants at \$18.75	.....	787.50
1 warrant at 1.25	.....	1.25

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788.75	788.75
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Amt. forward	.....	\$11,346.39
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[12]

Amt. brought forward	....	\$11,346.39
#14.		

Workman's Name: Anton Kresevic.

Claim No. 10610.

Date of death: August 29, 1912.

Employer: Northern Coast Tbr. Co.,  
Near Graham, Wash.

Claimants or Beneficiaries: Martin Kresevic and Marie Kresevic (mother and father).

Address: House 16, Racice, Dist. of Castelnuovo, Istria, Austria.

Warrants drawn but not delivered:  
 From April 16, 1917, to and including April 15, 1918. 13 warrants at \$5.75 each.

Payments accrued but no warrants drawn: April 15, 1918, to November 17, 1921:

43 warrants at \$5.75 each \$247.25

1 warrant at .39 .39

---

\$247.64

247.64

#15.

Workman's Name: L. Vodopovich.

Claim No. 11509.

Date of Death: September 21, 1912.

Employer: Grant Smith & Co., Sherlock, Wash.

Claimants or Beneficiaries: Maria Vodopovich (mother).

Address: Tmotica Ston, Dalmatia, Austria.

Warrants drawn but not delivered:  
 From September 15, 1916, to and including April 15, 1918. 20 warrants at \$5.00 each.

Payments accrued but no warrants drawn: April 15, 1918, to November 17, 1921:

43 warrants at \$5.00 each .. 215.00

1 warrant at .33 .. .33

---

215.33

215.33

#16.

Workman's Name: Mike Bratovich.

Claim No. 13232.

Date of death: October 27, 1912.

Employer: Northern Coast Tbr. Co.,  
Near Graham, Wash.

Claimants or Beneficiaries: Anna Bratovich (widow).

Address: #8 Calle del Babacane, Fiume,  
Hungary.

Warrants drawn but not delivered:

From September 15, 1916, to and including March 15, 1917. 7 warrants at \$30.00 each. From April 16, 1917, one warrant, \$26.83. From May 15, 1917, to and including May 15, 1918, 13 warrants at \$25 each.

Payments accrued but no warrants drawn: May 15, 1918, to November 17, 1921:

12 warrants @	\$25.00 each	300.00
1 warrant @	.83	.83
30 warrants @	20.00	600.00
1 warrant @	1.33	1.33

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\$902.16	902.16
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Amt. forwarded . . . . .	\$12,711.52
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[13]

Amt. brought forward . . . .	\$12,711.52
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## #17.

Workman's Name: Mate Vagar.

Claim No. 13708.

Date of Death: November 11, 1912.

Employer: Columbia Contract Co., Near  
Fisher, Wash.

Claimants or Beneficiaries: Ivan and  
Matijo Vagar (father and mother).

Address: Prapatnice, Dist. of Vrgorac,  
Dalmatia, Austria.

Warrants drawn but not delivered:  
From October 17, 1916, to and includ-  
ing May 15, 1918. 20 warrants at \$10  
each.

Payments accrued but no warrants  
drawn: From May 15, 1918, to Novem-  
ber 17, 1921:

42 warrants at \$10.00 each \$420.00

1 warrant at .66 .66

---

420.66

420.66

## #18.

Workman's Name: Sava Ivanovich.

Claim No. 14529.

Date of death: December 2, 1912.

Employer: Superior Portland Cement  
Co., Concrete, Wash.

Claimants or Beneficiaries: Joke Ivano-  
vich (widow) and three children.

Address: K. Maini, Budva, Dalmatia,  
Austria.

Warrants drawn but not delivered:  
 From June 15, 1915, to and including,  
 July 15, 1917, at \$35. 37 warrants at  
 \$35 each. One August 15, 1917, for  
 \$34.50. September 15, 1917, to and  
 including May 15, 1918, at \$30. 9 at  
 \$30 each.

Payments accrued but no warrants  
 drawn:

37 warrants @	\$30 each	..	\$1110.00
1 warrant @	20	..	20.00
4 warrants @	25	..	100.00
1 warrant @	10	..	10.00

---

1240.00	1,240.00
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#19.

Workman's Name: John Fizulich.

Claim No. 17695.

Date of death: February 23, 1913.

Employer: Northwestern Lbr. Co., Ho-  
 quiam, Wash.

Claimants or Beneficiaries: Nick and  
 Maria Fizulich (father and mother).

Address: Dragove P. O. Bozava, Dalma-  
 tia, Austria.

Warrants drawn but not delivered:  
 From November 15, 1916, to and in-  
 cluding May 15, 1918. 21 warrants at  
 \$12.10 each.

Payments accrued but no warrants  
 drawn:

42 warrants @ \$12.10 each \$508.20

1 warrant @ .81 .81

---

509.01

509.01

#20.

Workman's Name: Vaso Dragicevich.

Claim No. 19001.

Date of death: March 19, 1913.

Employer: Hammond Lbr. Co., Camp 3,  
Oak Pt., Wash.Claimants or Beneficiaries: Marija  
Dragicevich (widow).

Address: Obrovazzo, Dalmatia, Austria.

Amt. forwarded . . . . . \$14,881.19

[14]

Amt. brought forward . . . . . \$14,881.19

Warrants drawn but not delivered:

From December 15, 1916, to and in-  
cluding May 15, 1918, 16 warrants at  
\$25 each.Payments accrued but no warrants  
drawn: From May 5, 1918, to Novem-  
ber 17, 1921:

29 warrants @ \$25.00 each \$725.00

1 warrant @ 11.16 11.66

12 warrants @ 20.00 240.00

1 warrant @ 12.00 12.00

---

988.66

988.66

#21.

Workman's Name: Joe Smirka.

Claim No. 19069.

Date of death: March 25, 1913.

Employer: Pennsylvania Coal Co., Tacoma, Wash.

Claimants or Beneficiaries: Marija Smrke.

Address: Gorenji Globodol, P. O. Mirnapec-Koenigstein, Krain, Austria.

Note: Re-marriage occurred Feb. 4, 1917, to Nikolus Tomazik, address after marriage changed to: Goringi, Globobol 30 0.0. Pri. Mirno, Peci, Dolenjsko, Jugo Slavia.

Warrants drawn but not delivered:  
From August 13, 1914, to and including February 4, 1917:

29 warrants at \$20.00 each 580.00

1 warrant at \$13.99..... 13.99

Marriage settlement .... 240.00

---

#22.

Workman's Name: Mike Susnjar.

Claim No. 20588.

Date of death: April 24, 1913.

Employer: Eastern & Western Lbr. Co., Eufaula, Wash.

Claimants or Beneficiaries: Filip and Iva Susnjar (father and mother).

Address: Pedbablje, Dist. Imotski, Dalmatia, Austria.

Warrants drawn but not delivered:

From August 13, 1914, to and including April 15, 1921. 45 warrants at \$6.00 each.

Payments accrued but no warrants drawn: From April 15, 1918, to November 17, 1921:

43 warrants at \$6.00 each	258.00
1 warrant at .40	.40
	<hr/>
	258.40

#23.

Workman's Name: Geo. Polic.

Claim No. 21652.

Date of death: May 21, 1913.

Employer: East Creek Coal Co., Ladd, Wash.

Claimants or Beneficiaries: Jovana Polich, widow.

Address: Hreljina, House #224 Dist. of Bakar, Croatia, Hungary.

Amt. forwarded . . . . . \$16,128.25

[15]

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Amt. brought forward . . . . . \$16,128.25

Warrants drawn but not delivered:

From September 15, 1916, to and including May 15, 1918. 21 warrants at \$20 each.



Payments accrued but no warrants drawn: From May 15, 1918, to November 17, 1921:

42 warrants @ \$20.00	....	\$840.00
1 warrant @ 1.33	....	1.33

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	841.33	841.33
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#24.

Workman's Name: Pete Syrino.

Claim No. 23521.

Date of death: June 26, 1913.

Employer: Superior Portland Cement Co., Concrete, Wash.

Claimants or Beneficiaries: Anton Syrina.

Address: Brde #19, Jelsane, Istria, Austria.

Warrants drawn but not delivered: From September 15, 1916, to and including April 15, 1918. 20 warrants at \$8.55.

Payments accrued but no warrants drawn: From April 15, 1918, to November 17, 1921:

43 warrants @ \$8.55	.....	\$367.65
1 warrant @ .57	.....	.57

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	368.22	368.22
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#25.

Workman's Name: Andrew Gregorich.

Claim No. 27518.

Date of death: September 14, 1913.

Employer: Lindstrom Handford Lbr.  
Co., Rainier, Wash.

Claimants or Beneficiaries: Andro and  
Katarina Grguric.

Address: Lokvica, Croatia, Hungary.

Warrants drawn but not delivered:  
From September 15, 1916, to March 4,  
1917, Semi Annual Payments. Four  
warrants at \$11.48 each. One warrant  
April 14, 1917, for \$1.91.

Payments accrued but no warrants  
drawn: From April 14, 1917, to No-  
vember 17, 1921:

1 warrant April 14, 1917,		
	@ \$9.57.....	9.57
8 warrants @ 11.48.....		91.84
1 warrant @ .53.....		.53
	<hr/>	<hr/>
		\$101.94

101.94

#26.

Workman's Name: Lazo Loncar.

Claim No. 27862.

Date of death: September 17, 1913.

Employer: Guthrie McDougal Co., Ta-  
coma, Wash.

Claimants or Beneficiaries: Sara Lon-  
car, widow.

Address: House #210, Mutilici, Dist. of  
Udbina, Croatia, Hungary.

Warrants drawn but not delivered:  
From September 15, 1916, to May 15,  
1918. 21 warrants \$20 each.

Payments accrued but no warrants  
drawn: From May 15, 1918, to Novem-  
ber 17, 1921:

42 warrants	at \$20.00 each	\$840.00
1 warrant	at 1.33	1.33

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841.33	841.33
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Amt. forwarded . . . . .	\$18,281.07
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[16]

Amt. brought forward . . . . .	\$18,281.07
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#27.

Workman's Name: Joe Mohovich.

Claim No. 30065.

Date of Death: November 6, 1913.

Employer: Pennsylvania Coal Co., Di-  
vide, Wash.

Claimants or Beneficiaries: Anton &  
Maria Mohovic (father and mother).

Address: Zvoneca, House 116, P. O.  
Brezca, Castua-Kastav, Austria.

Warrants drawn but not delivered:  
From April 16, 1917, to and including  
May 15, 1918. 14 warrants at \$10.65  
each.

Payments accrued but no warrants  
drawn: From May 15, 1918, to No-  
vember 17, 1921:

42 warrants @ 10.65 . . . . .	447.30
1 warrant @ .71 . . . . .	.71

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448.01	448.01
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## #28.

Workman's Name: Tony Dragicevich.

Claim No. 33304.

Date of death: February 3, 1914.

Employer: Washington Portland Cement Co., Concrete, Wash.

Claimants or Beneficiaries: Mary Dragicevich (widow and children).

Address: Zoastro, Dalacia, Austria.

Warrants drawn but not delivered:

From February 14, 1917, to and including May 15, 1918. 18 warrants at \$35 each.

Payments accrued but no warrants drawn: From May 15, 1918, to November 17, 1921:

6 warrants	@ 35.00 each	210.00
1 warrant	@ 31.50	31.50
35 warrants	@ 25.00	875.00
1 warrant	@ 4.11	4.11

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1120.61      1,120.61

## #29.

Workman's Name: John (Bulien) Gulja.

Claim No. 49106.

Date of death: March 24, 1915.

Employer: Lytle Logging & Merc. Co.,  
Hoquiam, Wash.

Claimants or Beneficiaries: Lovrenz and  
Palonia Gulja.

Address: #41 Brdo near Jelsane, Vol-  
osca County, Austria.

Warrants drawn but not delivered:

From February 14, 1917, to and including February 15, 1918. 3 warrants \$10.50 each paid semi-annually. One April 15, 1918, for \$3.50.

Payments accrued but no warrants drawn. From April 15, 1918, to November 17, 1921:

1	warrant	@ \$ 7.00	.....	7.00
7	warrants	@ 10.50	.....	80.50
1	warrant	@ .90	.....	.90

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		88.40	88.40
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Amt. forwarded .... \$19,938.09

[17]

Amt. brought forward .... \$19,938.09

#30.

Workman's Name: Peter Smiljanic.

Claim No. 49349.

Date of death: March 31, 1915.

Employer: Pacific Coast Coal Co., Burnett, Wash.

Claimants or Beneficiaries: Vasilija Smiljanic (mother).

Address: No. 32 Prokike, Croatia.

Warrants drawn but not delivered:

From September 15, 1916, to and including April 15, 1918. 20 warrants at \$7.25 each.

Payee died March 26, 1920.

Payments accrued but no warrants drawn: From April 15, 1918, to March 26, 1920:

23 warrants @ \$7.25 each \$166.75

1 warrant @ 2.66 2.66

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169.41

169.41

#31.

Workman's Name: Rade Lukich.

Claim No. 31067.

Date of Death: November 30, 1913.

Employer: Guthrie McDougall Co., Lester, Wash.

Claimants or Beneficiaries: Marta Lukic (mother).

Address: Trnovoc, House #64, Korenica, Croatia, Hungary.

Warrants drawn but not delivered: From October 17, 1916, to and including May 15, 1918. 21 warrants at \$10 each.

Payments accrued but no warrants drawn: From May 15, 1918, to November 17, 1921:

42 warrants @ 10.00 each \$420.00

1 warrant @ .67 .67

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420.67

420.67

#32.

Workman's Name: Andrew Majetich.

Claim No. 54155.

Date of death: July 29, 1915.

Employer: Northwestern Imp. Co., Roslyn, Wash.

Claimants or Beneficiaries: Marija Matjetic, widow.

Address: No. 4/13 Maledrage, community of Brod Moravice, Croatia.

Warrants drawn but not delivered: From April 15, 1917, to May 15, 1918, inclusive. 14 warrants at \$25 each.

Payments accrued but no warrants drawn: From May 15, 1918, to November 17, 1921:

19	warrants	@	\$25.00	each	475.00	
1	warrant	@	14.16		14.16	
22	warrants	@	20.00		440.00	
1	warrant	@	10.00		10.00	939.16

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#33.

Workman's Name: Stanko Dejanovic.

Claim No. 1503.

Date of death: December 6, 1911.

Employer: George Chew, Starbuck, Wash.

Claimants or beneficiaries: Mika Dejanovich, widow.

Address: Stabandja, Dist. of Bosnisch Krupa, Bosnia, Austria-Hungary.

Warrants drawn but not delivered: From Sept. 15, 1916, to May 15, 1918, inc. 21 warrants at \$25 each.

Payments accrued but no warrants drawn: From May 15, 1918, to November 17, 1921:

42 warrants @ \$25.00 each	1050.00		
1 warrant @ 1.67	1.67	1,051.67	
Total . . . . .		22,519.00	

[18]

### SCHEDULE "C."

Statement of Warrants and Sums of Money Due, Under the Workingmen's Compensation Law of the State of Washington, to Subject of the Kingdom of Bulgaria, a Former Alien Enemy of the United States of America, which have been Reported to the Alien Property Custodian of the United States of America, and Demanded by Him.

Workman's Name: Yahn Yakimoff.

Claim No. 44993.

Date of death: November 8, 1914.

Employer: Hamond Lbr. Co., Oak Point, Wash.

Claimants or Beneficiaries: Spassa Ivanova Yakimoff.

Address: Glavonvsti, Verkovo, Bulgaria.

Warrants drawn but not delivered: May 17, 1915, to May 15, 1918. One warrant dated May 17, 1915, for \$30, and warrants for June 15, 1916, to and including May 15, 1918, at \$30 each. 25 warrants at \$30 each.



Payments accrued but no warrants drawn: From  
May 15, 1918, to November 17, 1921:

19 warrants @ \$30.00	570.00
1 warrant @ 25.00	25.00
22 warrants @ 25.00	550.00
1 warrant @ 5.83	5.83
	<hr/>
	\$1150.83

[Indorsed]: Filed in the United States District Court, Western District of Washington, Southern Division. Jul. 10, 1922. F. M. Harshberger, Clerk. By Ed M. Lakin, Deputy. [19]

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In the District Court of the United States for the  
Western District of Washington, Southern  
Division.

No. 155-E.

THOMAS W. MILLER, Alien Property Custodian  
of the United States of America,  
Plaintiff,

vs.

EDWARD CLIFFORD, Superintendent of the  
Department of Labor and Industries of the  
State of Washington, and E. S. GILL, Super-  
visor of Industrial Insurance of the Depart-  
ment of Labor and Industries of the State of  
Washington,

Defendants.

**Amended Bill of Complaint.**

To the Honorable Judges of the Above-entitled Court:

Comes now the plaintiff above named and with leave of court first had and obtained, amends his bill of complaint against the above-named defendants, and alleges as follows:

**I.**

That the above-named plaintiff is the duly appointed qualified and acting Alien Property Custodian of the United States of America, appointed by the President of the United States under and by virtue of an act of Congress of the United States of America, known as the "Trading with the Enemy Act" passed on the 6th day of October, 1917, and the acts of Congress amendatory and supplementary thereto, possessing all the powers granted by said acts of Congress and the executive orders issued in pursuance thereof.

**II.**

That the defendant, Edward Clifford, is the duly appointed, qualified and acting Superintendent of Labor and [20] Industries of the State of Washington, and the defendant, E. S. Gill is the duly appointed, qualified and acting Supervisor of Industrial Insurance, and under said Superintendent of Labor and Industries of the State of Washington; that the said Department of Labor and Industries of the State of Washington has charge of the administration of the "Workingmen's Compensation Law" so called of the State of Washington; that it is the duty of said Edward Clifford and E. S. Gill, as such officers of said De-

partment of Labor and Industries of the State of Washington, to pass upon all claims arising under said Workingmen's Compensation Law, and direct the payment thereof out of the funds of the State of Washington collected and set aside for that purpose, to the parties entitled thereto.

That the said Edward Clifford, as Superintendent of Labor and Industries, and the said E. S. Gill, as Supervisor of Industrial Insurance, have the power, and it is their duty through and by means of the Division of Industrial Insurance of the Department of Labor and Industries of the State of Washington, to exercise all the power and perform all the duties formerly vested in and required to be performed by the former Industrial Insurance Department of the State of Washington, and the former commissioners thereof; that all of said defendants are residents of the Judicial District above named.

### III.

That on the 6th day of April 1917, by a joint resolution of Congress, a state of war was declared to exist between the United States and the Imperial German Government, and on [21] the 7th day of December, 1917, by a joint resolution of Congress, a state of war was declared to exist between the United States of America and the Imperial and Royal Austro-Hungarian Government; that the Kingdom of Bulgaria was an ally of Austria-Hungary and Germany in said war, and as such became subject to the provisions of said "Trading with the Enemy Act"; that between the time when

the United States declared war against the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, as herein set forth, and the date of the passage of the resolution of Congress terminating such wars, reserving therein to the United States and the Alien Property Custodian all the rights held theretofore under the said "Trading with the Enemy Act," sundry persons, being subjects of the Imperial German Government, the Imperial and Royal Austro-Hungarian Government and the Kingdom of Bulgaria, an ally of said two last-mentioned governments, dependants of deceased workmen formerly domiciled within the State of Washington, all of which dependants residing in the several nations of which they were subjects, were entitled, under the provisions of said Workingmen's Compensation Law, to certain moneys in the fund set aside by the State of Washington, for that purpose, the claims of said dependants upon said fund having been duly approved and allowed by the above-named officers or their predecessors, in due course; that in many cases warrants for the payment of such funds were actually issued in the name of the beneficiaries but not delivered to them, but held by the said officers of said Department of Labor and Industries of the State of Washington, and in all other cases where the warrants were not issued, the claims were [22] duly approved and allowed, and said beneficiaries became entitled to the issuance of warrants for the payment of the said several sums; that attached to the original bill of com-

plaint are three schedules, respectively entitled, Schedule "A," Schedule "B" and Schedule "C," which said schedules are made a part of this complaint the same as if hereto attached.

That Schedule "A" contains a statement of all claims due to subjects of the Imperial German Government arising under the Workingmen's Compensation Law of the State of Washington; that Schedule "B" contains a statement of all claims due to subjects of the Imperial and Royal Austro-Hungarian Government arising under the Workingmen's Compensation Law of the State of Washington; that Schedule "C" contains a statement of all claims due to subjects of the Kingdom of Bulgaria arising under the Workingmen's Compensation Law of the State of Washington; that said several schedules show severally the name of the deceased, the name and residence of the beneficiaries, the date of death, the total amount of warrants issued and not delivered, and now held by the Department of Labor and Industries of the State of Washington, and also the total number of warrants and the amount thereof that should have been issued to certain alien enemy beneficiaries from the date when the warrants were issued up to and including the date of the declaration of peace between the United States of America and the Imperial German Government and the Imperial and Royal Austro-Hungarian Government.

#### IV.

That all of said claims shown by the said schedules in pursuance to the provisions of the "Trading with



the Enemy Act'' were reported to the Alien Property Custodian [23] of the United States of America by the said defendants, or their predecessors, and a demand in writing therefor was made of said defendants by the Alien Property Custodian of the United States of America, prior to the declaration of peace between the United States and said Imperial German Government and Imperial and Royal Austro-Hungarian Government, the said Alien Property Custodian, having after investigation determined that said warrants and said sums of money due as shown by the said schedules were due to enemies, or allies of enemies of the United States of America, not holding a license from the President of the United States; that said demands were refused upon the part of the said defendants; that said warrants are now in the possession and control of the said defendants, and the funds described in said schedules, for which no warrants have been issued, are deposited with the State Treasurer of the State of Washington, subject to be paid out upon warrants issued by the State Auditor of the State of Washington, upon vouchers furnished by the defendants; that the State Auditor is willing to issue the warrants and the State Treasurer to pay the same if the said defendants will issue vouchers therefor, but that the said defendants wrongfully and unlawfully refuse to issue to the plaintiff such vouchers, and it is solely on account of the arbitrary and unlawful action of the said defendants that the said amounts are not paid to the plaintiff; that the said defendants

hold said funds as trustees for such former alien enemies and allies of alien enemies described in said schedules.

## V.

That in pursuance of said Trading with the Enemy Act [24] and the executive orders issued thereunder, the said Alien Property Custodian, on the 10th day of November, 1921, duly appointed one Harry G. Rowland as his representative in the State of Washington; that the said plaintiff is entitled to the delivery of the warrants described in said schedules, and to the payment to him of the amounts due to the said former alien enemies of the United States described therein.

## VI.

That the plaintiff has no plain, speedy or adequate remedy in the ordinary course of law.

WHEREFORE the plaintiff prays that an order be issued directed to the United States Marshal of the above-named court directing him to seize the warrants above described; that an order be issued citing the above-named defendants to appear at the time and place to be appointed by this Court to show cause why they should not deliver forthwith to the above-named plaintiff the said warrants, and should not issue to him vouchers for the various amounts shown in the said schedules attached to the original bill of complaint, that upon the return of such order to show cause that all of the warrants and money described herein may be paid over to plaintiff; that plaintiff receive his costs and disbursements of and from the defendants, and such

other and further relief as to the court may seem equitable.

THOMAS W. MILLER,  
Alien Property Custodian of the United States of  
America.

By HARRY G. ROWLAND,  
Representative.

Office and P. O. Address;  
410 Equitable Bldg.,  
Tacoma, Washington. [25]

State of Washington,  
County of Pierce,—ss.

Harry G. Rowland, being first duly sworn, on oath deposes and says: That he is the duly appointed, qualified and acting representative of Thomas W. Miller, Alien Property Custodian of the United States of America, and the plaintiff above named; that he has read the foregoing complaint, knows its contents and believes the same to be true; that he makes this affidavit for and in behalf of the plaintiff.

HARRY G. ROWLAND.

Subscribed and sworn to before me this 28th day of August, 1922.

[Seal of Notary] EDWARD M. SHERWOOD,  
Notary Public in and for the State of Washington,  
Residing at Tacoma.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Southern Division. Aug. 28, 1922. F. M. Harshberger, Clerk. By Ed M. Lakin, Deputy. [26]



In the District Court of the United States, for the  
Western District of Washington, Southern  
Division.

No. 155—E.

THOMAS W. MILLER, Alien Property Custodian of the United States of America,  
Plaintiff,

vs.

EDWARD CLIFFORD, Superintendent of the  
Department of Labor & Industries of the  
State of Washington, and E. S. GILL, Supervisor of Industrial Insurance of the Department of Labor & Industries of the State of  
Washington,

Defendants.

**Motion to Dismiss.**

Come now the defendants and move to dismiss the amended bill of complaint filed herein for the reasons and upon the grounds that, as appears upon the face thereof.

I.

This Court has no jurisdiction over the persons of the defendants, or either of them, or of the subject matter of this action.

II.

That the complaint does not state facts sufficient to constitute a cause of action.

WHEREFORE, defendants pray that the above-

entitled action be dismissed, and that they recover their costs and disbursements herein.

L. L. THOMPSON,  
Attorney General,  
JOHN H. DUNBAR,  
Assistant Attorney General,  
Attorneys for Defendants

Received copy of the above motion on Sept. 8, 1922.

H. G. ROWLAND,  
Atty. for and Representative of Plaintiff. [27]

[Indorsed]: Filed in the United States District Court, Western District of Washington, Southern Division. Sept. 12, 1922. F. M. Harshberger, Clerk. By Ed. M. Lakin, Deputy [28]

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In the District Court of the United States, for the  
Western District of Washington, Southern  
Division.

No. 155—E.

THOMAS W. MILLER, Alien Property Custodian of the United States of America,  
Plaintiff,

vs.

EDWARD CLIFFORD, Superintendent of the Department of Labor and Industries of the State of Washington, and E. S. GILL, Supervisor of Industrial Insurance of the Department of Labor and Industries of the State of Washington,

Defendants.

**Order Denying Motion to Dismiss Amended Bill  
of Complaint.**

This cause coming on to be heard on the 9th day of October, 1922, before Hon. E. E. Cushman Judge of the above-entitled court, on the defendants' motion to dismiss the plaintiff's amended complaint, for the reason that it appears upon the face of the amended complaint that the Court has no jurisdiction over the persons of the defendants or either of them, or of the subject matter of the action, and that the amended complaint does not state facts sufficient to constitute a cause of action, the plaintiff appearing by his attorney and representative, H. G. Rowland, Esq., and the defendants appearing by Hon. John H. Dunbar, Assistant Attorney General of the State of Washington, and the court being fully advised orders,—

That said motion be and the same is hereby denied and overruled, to which ruling the defendants except and the exception is allowed.

Dated this 10th day of October, 1922.

EDWARD E. CUSHMAN,  
Judge.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Southern Division. Oct. 10, 1922. F. M. Harshberger, Clerk. By Ed M. Lakin, Deputy. [29]

In the District Court of the United States for the  
Western District of Washington, Southern  
Division.

No. 155—E.

THOMAS W. MILLER, Alien Property Custodian  
of the United States of America,  
Plaintiff,

vs.

EDWARD CLIFFORD, Superintendent of the De-  
partment of Labor and Industries of the  
State of Washington, and E. S. GILL, Super-  
visor of Industrial Insurance of the Depart-  
ment of Labor and Industries of the State of  
Washington,

Defendants.

### **Decree and Judgment.**

This cause having come on for hearing on the 9th day of October, 1922, before Hon. Edward E. Cushman, Judge of said Court, upon the defendant's motion to dismiss the amended bill of complaint, for the reason that it appeared upon the face of the said amended bill of complaint that the Court has no jurisdiction of the persons of the defendants, or either of them, or of the subject matter of the action, and that the complaint did not state facts sufficient to constitute a cause of action against the defendants, the plaintiff appearing by H. G. Rowland, Esq., attorney for and representative of the plaintiff, and the defendants by John H. Dunbar, Assistant Attorney General of the State of Wash-

ington, attorney for the defendants, and the Court, after argument, having on the 10th day of October, 1922, duly made and entered its order denying and overruling the said motion to dismiss, and more than ten days having elapsed since the making and entering of the said order, and the said defendants not having filed [30] or served any answer or further pleading in the said case, but having elected to stand upon the said motion to dismiss and permit judgment to be entered against them in accord with plaintiff's amended complaint.

Now, therefore, by reason of the law and the premises aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED that the defendants, Edward Clifford, Superintendent of the Department of Labor and Industries of the State of Washington, and E. S. Gill, Supervisor of Industrial Insurance of the Department of Labor and Industries of the State of Washington, do forthwith deliver to the plaintiff, Thomas W. Miller, Alien Property Custodian of the United States of America, or his representative, all those certain warrants upon the State Treasury of the State of Washington, now held by defendants, and payable out of the Workingmen's Compensation Fund of the State of Washington, and also issue to said Alien Property Custodian those certain vouchers to the Auditor of the State of Washington, for certain claims owing to certain alien enemies of the United States of America, for which no warrants have been drawn, described in plaintiff's complaint, and hereinafter described, all of which were

sums due alien enemies of the United States of America, or allies of such alien enemies, at the time the United States declared war against the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or accrued after such declaration of war, and all of which were reported to the Alien Property Custodian of the United States of America, by defendants, or their predecessors, in pursuance to the "Trading with the Enemy Act," and all of which were demanded by the said Alien Property [31] Custodian after investigation and before the declaration of peace between Imperial German Government and the United States of America, the Imperial and Royal Austro-Hungarian Government and the United States of America, and the Kingdom of Bulgaria and the United States of America, a complete list of which warrants and vouchers is contained in the following schedules:

#### SCHEDULE "A."

Statement of Warrants and Sums of Money Due Under the Workingmen's Compensation Law of the State of Washington, to Subject of the Imperial German Government, a Former Alien Enemy of the United States of America, Which Have Been Reported to the Alien Property Custodian of the United States of America, and Demanded by Him.

Claim No. 1616.

Date of Death: November 21, 1911.

Claimant: Samuel Weimer (father).

Address: Nene Strasse 16, Sipperfeld  
Rockenhansen, Pfalz, Germany.



Warrants drawn but not delivered:

43 Warrants at \$2.50 each.....\$107.50

Vouchers for 44 warrants

aggregating ..... 107.66      \$215.16

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### SCHEDULE "B."

Statement of Warrants and Sums of Money Due Under the Workingmen's Compensation Law of the State of Washington, to Subjects of the Imperial and Royal-Austro Hungarian Government, Former Alien Enemies of the United States of America, Which Have Been Reported to the Alien Property Custodian of the United States of America and Demanded by Him.

#1.

Claim No. 314.

Date of Death: October 21, 1911.

Claimant: Stanica Popovich.

Address: Vehovine Cratia, Hungary.

Warrants drawn but not delivered:

#108246, #127823, #145208, #161848:

4 warrants at \$10.15 each.....\$ 40.60

Vouchers for 44 Warrants

aggregating ..... 437.13

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Total claim..... 477.73

Forward.... \$692.89

[32]

Br. forward..... \$ 692.89

## #2.

Claim No. 44324.

Date of Death: October 19, 1914.

Claimant: Mike Zakula.

Address: House 188, Viprla Community  
of Kornica, Province of Croatia.

Warrants drawn but not delivered:

21 Warrants at \$35 each.....\$ 735.00

Vouchers for 43 warrants

aggregating ..... 1314.56

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Total claim..... 2049.56

## #3.

Claim No. 48343.

Date of Death: February 26, 1915.

Claimant: Josefa Kosich.

Address: Racice 49, Castelnuo, Istria,  
Austria.

Warrants drawn but not delivered:

16 Warrants at \$25.00 each.. 400.00

Vouchers for 43 warrants

aggregating ..... 1051.66

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Total claim..... 1451.66

## #4.

Claim No. 36034.

Date of Death: April 8, 1914.

Claimant: Maria Ovcarcic.

Address: Male Maune #33, Community  
of Podrad, Istria, Austria.



Warrants drawn but not delivered:

21 Warrants at \$35 each.....\$ 735.00

Vouchers for 43 warrants

aggregating ..... 1472.33

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Total claim..... 2207.33

#5.

Claim No. 36776.

Date of Death: April 23, 1914.

Claimant: Bude Zakula (for self and  
Seba), Dependent father and mother.

Address: Trena, House 45, Nova Grad-  
ska, Croatia, Hungary.

Warrants drawn but not delivered:

13 Warrants at \$20 each..... 260.00

Vouchers for 51 warrants

aggregating ..... 1001.33

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Total claim..... 1261.33

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Amt. Forwarded.. 7662.77

[33]

Brt. forward.....\$ 7662.77

#6.

Claim No. 37307.

Date of Death: May 9, 1914.

Claimant: Katherine Bozich and John  
son).

Address: House #18, Brest Pingvente,  
Istria, Austria.

Warrants drawn but not delivered:

21 warrants at \$25.00 each.... 525.00

Vouchers for 43 warrants

aggregating ..... 970.16

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Total claim..... 1432.16

#7.4

Claim No. 37308.

Date of Death: May 9, 1914.

Claimant: Kata Zigic (mother).

Address: House #43, Dugidol, Vrhovine, Otocac, Croatia, Hungary.

Warrants drawn but not delivered:

20 warrants at \$5.80 each..... 116.00

Vouchers for 44 warrants

aggregating ..... 249.79

---

Total claim..... 365.79

#8.

Claim No. 38046.

Date of Death: May 26, 1914.

Claimants: Mara Nikolac (widow) and Jure, Matija, Nikola, Medilijka and Milica (children).

Address: Plina, P. O. Kormin, Dalmacia, Austria.

Warrants drawn but not delivered:

37 warrants at \$35 each..... 1295.00

Vouchers for 43 warrants

aggregating ..... 1472.33

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Total claim..... 2767.33

..

#9.

Claim No. 39852.

Date of Death: June 30, 1914.

Claimants: Joze Erceg (father).

Address: Pobbabje, Imotski, Dalmatia,  
Austria.

Warrants drawn but not delivered:

20 Warrants at \$7.55 each..... 151.00

Vouchers for 44 warrants

aggregating ..... 325.16

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Total claim..... 476.16

#10.

Claim No. 40459.

Date of Death: September 30, 1914.

Claimants: Katrina Caraminich  
(mother).

Address: 299 St. Nicholas St., Lussin-  
grande, Capitanat of Lussingiccola,  
Istria, Austria.

Warrants drawn but not delivered:

20 warrants at \$8.35 each..... 167.00

Vouchers for 44 warrants

aggregating ..... 359.61

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Total claim..... 526.61

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Amt. Forwarded.....\$13,230.82

[34]

Brt. forward..... 13,230.82

## #11

Claim No. 42228.

Date of Death: August 31, 1914.

Claimants: Nikola Setka & Matija Setka  
(father and mother).

Address: Desne, Jomin, Opuzen, Dal-  
macia, Austria.

Warrants drawn but not delivered:

20 warrants at \$5.20 each.....\$104.00

Vouchers for 44 warrants aggre-  
gating ..... 224.12

---

Total claim..... 328.12

## #12

Claim No. 52020.

Date of Death: June 7, 1915.

Claimant: Rosalija Strelec (widow).

Address: 171 Novi Varos, Markopalj,  
Croatia, Austria-Hungary.

Warrants drawn but not delivered:

32 warrants at \$35 each..... 1120.00

Vouchers for 43 warrants aggre-  
gating..... 1472.33

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Total claim..... 2,592.33

## #13.

Claim No. 5312.

Date of Death: April 15, 1912.

Claimant: Meri Majkut.

Address: Henzlofalva, Gomor Megye,  
U. P. Mereny, Hungary.

Warrants drawn but not delivered:

21 warrants at \$18.75 each.... 393.75

Vouchers for 43 warrants aggre-

gating..... 788.75

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Total claim..... 11,82.50

#14.

Claim No. 10610.

Date of Death: August 29, 1912.

Claimants: Martin Kresevic and Maria  
Kresevic (father and mother).

Address: House 16, Racice Dist. of Cas-  
telnuovo, Istria, Austria.

Warrants drawn but not delivered:

13 warrants at \$5.75 each.....\$74.75

Vouchers for 44 warrants ag-

gregating..... 247.64

#15.

Claim No. 11509.

Date of Death: September 21, 1912.

Claimant: Maria Vodopovich (mother).

Address: Tmotica Ston, Dalmatia, Aus-  
tria.

Warrants drawn but not delivered:

20 warrants at \$5.00 each.... 100.00

Vouchers for 44 warrants ag-

gregating ..... 215.33                      315.33

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Amt. forwarded.... 17,971.49

[35]

Brt. forward.....\$17,971.49

## #16.

Claim No. 13232.

Date of Death: October 27, 1912.

Claimant: Anna Bratovich (widow).

Address: #8 Calle del Barbacane, Fiume,  
Hungary.

Warrants drawn but not delivered:

7 warrants at \$30 each..... 210.00

1 Warrant at \$26.83 each..... 26.83

13 Warrants at 25.00 each.... 325.00

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561.83

Vouchers for 44 warrants ag-  
gregating..... 901.33

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Total claim ..... 1,463.16

## #17.

Claim No. 13708.

Date of Death: November 11, 1912.

Claimants: Ivan & Matijo Vegar (father  
and mother).

Address: Prapatnice, Dist of Vrgorac,  
Dalmatia, Austria.

Warrants drawn but not delivered:

20 Warrants at \$10 each..... 200.00

Vouchers for 43 warrants ag-  
gregating..... 420.66

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Total claim..... 620.66

#18.

Claim No. 14529.

Date of Death: December 2, 1912.

Claimants: Joke Ivanovich (widow) and  
three children.

Address: K. Maini, Budva, Dalmatia,  
Austria.

Warrants drawn but not delivered:

37 Warrants at \$35 each..... 1295.00

1 Warrant at 34.50..... 34.50

9 Warrants at 30.00..... 270.00

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1599.50

Vouchers for 43 warrants ag-

gregating..... 1243.16

2842.66

#19.

Claim No. 17695.

Date of Death: February 23, 1913.

Claimants: Nick and Martha Fizulich  
(father and mother).

Address: Dragove, P. O. Bozava, Dal-  
matia, Austria.

Warrants drawn but not delivered:

21 Warrants at \$12.10 each.... 254.10

Vouchers for 43 Warrants ag-

gregating..... 509.01

Total claim.....

763.11

#20.

Claim No. 19001.

Date of Death: March 19, 1913.

Claimant: Marija Dragicevich (widow).

Address: Obrovazzo, Dalmatia, Austria.

Warrants drawn but not delivered:

16 Warrants at \$25 each..... 400.00

Vouchers for 43 Warrants aggregating..... 988.45

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Total claim.....1388.45

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Amt. forwarded.... 25,049.53

[36]

Brt. Forward.....\$ 25,049.53

#21.

Claim No. 19069.

Date of Death: March 25, 1913.

Claimants: Marija Smrke.

Address: Gorenji Globodol, P. O.

Mirnapec, Koengstein, Krain, Austria.

Warrants drawn but not delivered:

43 warrants at \$20 each.....\$860.00

1 warrant at 10..... 10.00

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Total claim..... 870.00

#22.

Claim No. 20588.

Date of Death: April 24, 1913.

Claimants: Filip and Iva Sussnjar

(father and mother).

Address: Pedbablje, Dist. of Imotski,

Dalmatia, Austria.



Warrants drawn but not delivered:

45 warrants at \$6 each.... 270.00

Vouchers for 44 warrants ag-  
gregating..... 258.40

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Total claim..... 528.40

#23.

Claim No. 21652.

Date of Death: May 21, 1913.

Claimant: Jovana Polich (widow).

Address: Hreljina, House #224, Dist of  
Baker, Croatia, Hungary.

Warrants drawn but not delivered:

21 warrants at \$20 each..... 420.00

Vouchers for 43 Warrants ag-  
gregating..... 841.33

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Total claim..... 1261.33

#24.

Claim No. 23521.

Date of Death: June 26, 1913.

Claimant: Anton Syrina.

Address: Brdo #19 Jelsane, Istria, Aus-  
tria.

Warrants drawn but not delivered:

20 warrants at \$8.55 each..... 171.00

Vouchers for 43 Warrants ag-  
gregating..... 368.22

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Total claim ..... 539.22

## #25.

Claim No. 27518.

Date of Death: September 14, 1913.

Claimants: Andro and Katarina Gruric.

Address: Lokvica, Croatia, Hungary.

Warrants drawn but not delivered:

4 warrants at \$11.48 each..... 45.92

1 warrant at 1.91..... 1.91

Vouchers for 10 warrants aggregating..... 82.34

Total claim.....	130.17
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Amt. forwarded....	28,378.65
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[37]

Brt. forward.....\$	28,378.65
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## #26.

Claim No. 27862.

Date of Death: September 17, 1913.

Claimant: Sara Loncar (widow).

Address: House #210, Mutilici, Dist. of Udbina, Croatia, Hungary.

Warrants drawn but not delivered:

21 warrants at \$20 each..... 420.00

Vouchers for 43 Warrants aggregating..... 841.33

Total claim.....	1,261.33
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## #27.

Claim No. 30065.

Date of Death: November 6, 1913.

Claimants: Anton & Maria Mohovic (father and mother).

Address: Zvoneca, House 116 P. O. Brezca Castua-Kastav, Austria.

Warrants drawn but not delivered:

14 warrants at \$10.65 each.... 149.10

Vouchers for 43 Warrants aggregating..... 448.01

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Total claim..... 597.11

## #28.

Claim No. 33304.

Date of Death: February 3, 1914.

Claimants: Mary Dragicevich (widow and children).

Address: Zoastro, Dalacia, Austria.

Warrants drawn but not delivered:

18 warrants at \$35 each..... 630

Vouchers for 43 Warrants aggregating..... 1121.76

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Total claim..... 1751.76

## #29.

Claim No. 49106.

Date of Death: March 24, 1915.

Claimants: Lovrenz & Palonia Gulja.

Address: #41 Brdo near Jelsane, Volosca County, Austria.

Warrants drawn but not delivered:

3 warrants at \$10.50 each..... 31.50

1 warrant at 3.50..... 3.50

Vouchers for 9 warrants aggregating..... 75.37

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Total claim..... 110.37

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..... Amt. forwarded..... 32,099.12

[38]

Brt. forward .....\$ 32,099.12

#30.

Claim No. 49349.

Date of Death: March 31, 1915.

Claimant: Vasilija Smiljanic (mother).

Address: No. 32 Prokike, Croatia.

Warrants drawn but not delivered:

20 warrants at \$7.25 each.....145.00

Vouchers for 24 warrants aggregating .....169.41

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Total claim ..... 314.41

#31.

Claim No. 31067.

Date of Death: November 30, 1913.

Claimant: Marta Lukic (mother).

Address: Tranvac, House #64, Koronica, Croatia, Austria.

Warrants drawn but not delivered:

21 Warrants at \$10 each ..... 210.00

Vouchers for 43 warrants aggregating .....420.67

Total claim ..... 630.67

#32.

Claim No. 54155.

Date of death: July 29, 1915.

Claimant: Marija Majetic (widow).

Address: No. 4/13 Meledrage, Community of Brod Moravice, Gloatia, Hungary.

Warrants drawn but not delivered:

14 warrants at \$25 each ..... 350.00

Vouchers for 43 warrants aggregating .....939.16

Total claim ..... 1289.16

#33.

Claim No. 1503.

Date of death: December 6, 1911.

Claimant: Mika Dejanovic (widow).

Address: Stabandja, Dist. of Bosnisch Krupa, Bosnia, Austria-Hungary.

Warrants drawn but not delivered:

21 warrants at \$25 each .... 525.00

Vouchers for 43 warrants aggregating .....1051.67

Total claim ..... 1576.67

\$35,910.03

## SCHEDULE "C."

Statement of Warrants and Sums of Money Due Under the Workingmen's Compensation Law of the State of Washington, to Subject of the Kingdom of Bulgaria, a Former Alien Enemy of the United States of America, Which Have Been Reported to the Alien Property Custodian of the United States of America, and Demanded by him.

Claim No. 44993.

Date of Death: November 8, 1914.

Address: Glavonovsti, Verkovo, Bulgaria.

Warrants drawn but not delivered:

25 warrants at \$30 each . . . . . 750.00

Vouchers for 43 vouchers aggregating . . . . . 1150.00

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Total claim . . . . . \$1900.83

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff shall recover of and from the said defendants his costs and disbursements to be hereafter taxed; that the United States Marshal of the above-entitled court shall seize the warrants above described forthwith upon receipt of this judgment and deliver them to the clerk of the above-entitled court for the plaintiff in this action; that vouchers for the said claims for which warrants have not issued shall be issued by the defendants above named and delivered to the clerk of the above-entitled court for the said plaintiff within ten days from the entry of this judgment, to which judgment

defendants except and their exception is allowed.

Dated this 1st day of November, 1922.

EDWARD E. CUSHMAN,  
Judge.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Southern Division. Nov. 1, 1922. F. M. Harshberger, Clerk. By Ed M. Lakin, Deputy. [40]

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United States District Court, Western District of  
Washington, Southern Division.

No. 155—E.

THOMAS W. MILLER, Alien Property Custodian  
of the United States of America,  
Plaintiff,

vs.

EDWARD CLIFFORD, Superintendent of the Department of Labor and Industries of the State of Washington, and E. S. GILL, Supervisor of Industrial Insurance of the Department of Labor and Industries of the State of Washington,  
Defendants.

### **Petition for Allowance of Appeal.**

The above-named defendants, conceiving themselves aggrieved by the final decree made and entered in the above-entitled court on the 1st day of November, 1922, do hereby appeal from said final decree, and the whole thereof, to the United States Cir-

cuit Court of Appeals, for the Ninth Circuit, for the reasons specified in the assignment of errors which is filed herewith, and pray that this appeal may be allowed, and that a transcript of the record, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Circuit, at San Francisco, California.

Dated this 1st day of November, 1922.

L. L. THOMPSON,

As Attorney General of the State of Washington,

JOHN H. DUNBAR,

Assistant Attorney General of the State of Washington,

Solicitors for Defendants.

GUIE & HALVERSTADT,

Of Counsel.

Service of a true copy of petition for allowance of appeal [41] acknowledged this 1st day of Nov. 1922.

H. G. ROWLAND,

Attorney for Plaintiff.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Southern Division. Nov. 1, 1922. F. M. Harshberger, Clerk. By Ed M. Lakin, Deputy. [42]



In the District Court of the United States, for the  
Western District of Washington, Southern Division.

No. 155—E.

THOMAS W. MILLER, Alien Property Custodian  
of the United States of America,  
Plaintiff,

vs.

EDWARD CLIFFORD, Superintendent of the Department of Labor and Industries of the State of Washington, and E. S. GILL, Supervisor of Industrial Insurance of the Department of Labor and Industries of the State of Washington,  
Defendants.

**Assignment of Errors.**

Come now the defendants Edward Clifford, Superintendent of the Department of Labor and Industries of the State of Washington, and E. S. Gill, Supervisor of Industrial Insurance of the Department of Labor and Industries of the State of Washington, by and through L. L. Thompson, Attorney General of the State of Washington, and John H. Dunbar, Assistant Attorney General of the State of Washington, and files the following assignment of errors upon which they will rely upon their appeal from the judgment made by this Honorable Court on the 1st day of November, 1922, in the above-entitled cause:

1. That the United States District Court for the Western District of Washington, Southern Division, erred in denying the motion to dismiss of the defendants filed against plaintiff's amended complaint herein.

2. That the said District Court erred in entering judgment in favor of the plaintiff and against the defendants.

L. L. THOMPSON,

Attorney General of the State of Washington,

JOHN H. DUNBAR,

Assistant Attorney General of the State of Washington [43]

Attorneys for Defendants.

Copy of assignment of errors acknowledged this 1st day of Nov. 1922.

H. G. ROWLAND,

Atty. for Plaintiff.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Southern Division. Nov. 1, 1922. F. M. Harshberger, Clerk. By Ed M. Lakin, Deputy. [44]

United States District Court, Western District of  
Washington, Southern Division.

No. 155—E.

THOMAS W. MILLER, Alien Property Custodian  
of the United States of America,  
Plaintiff,

vs.

EDWARD CLIFFORD, Superintendent of the De-  
partment of Labor and Industries of the  
State of Washington, and E. S. GILL, Su-  
pervisor of Industrial Insurance of the De-  
partment of Labor and Industries of the  
State of Washington,  
Defendants.

**Order Allowing Appeal.**

Now on this 1st day of November, 1922, it is  
ORDERED that the appeal in the above-entitled  
cause be allowed as prayed for.

EDWARD E. CUSHMAN,  
District Judge of the United States, for the District  
of Washington, Southern Division.

Copy of order allowing appeal acknowledged this  
1st day of Nov. 1922.

H. G. ROWLAND,  
Attys. for Plaintiff.

[Indorsed]: Filed in the United States District  
Court, Western District of Washington, Southern  
Division. Nov. 1, 1922. F. M. Harshberger, Clerk.  
By Ed M. Lakin, Deputy. [45]

United States District Court, Western District of  
Washington, Southern Division.

No. 155—E.

THOMAS W. MILLER, Alien Property Custodian  
of the United States of America,  
Plaintiff,

vs.

EDWARD CLIFFORD, Superintendent of the De-  
partment of Labor and Industries of the  
State of Washington, and E. S. GILL, Su-  
pervisor of Industrial Insurance of the De-  
partment of Labor and Industries of the  
State of Washington,

Defendants.

**Order Fixing Amount of Appeal and Supersedeas  
Bond.**

Upon reading the petition of the above-named ap-  
pellants in the above-entitled cause for the allow-  
ance of an appeal to the United States Circuit  
Court of Appeals for the Ninth Circuit from the  
final judgment rendered and entered in the above-  
entitled cause,—

It is ORDERED that the appellants above named  
shall execute and file in the office of the Clerk of  
the above-entitled court a bond on appeal and super-  
sedeas, conditioned according to law in the sum  
of \$2500.00, with good and sufficient surety to be  
approved by the undersigned, and upon such ap-  
proval the same shall act as an appeal and super-  
sedeas bond pending said appeal.

Done in open court this 1st day of November, 1922.

EDWARD E. CUSHMAN,  
Judge of the United States District Court for the  
Western District of Washington, Southern Division.

Copy of order fixing amount of appeal and supersedeas bond acknowledged this 1st day of Nov. 1922.

H. G. ROWLAND,  
Attys. for Plaintiff.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Southern Division. Nov. 1, 1922. F. M. Harshberger, Clerk. By Ed M. Lakin, Deputy. [46]

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United States District Court, Western District of  
Washington, Southern Division.

No. 155—E.

THOMAS W. MILLER, Alien Property Custodian  
of the United States of America,  
Plaintiff,

vs.

EDWARD CLIFFORD, Superintendent of the Department of Labor and Industries of the State of Washington, and E. S. GILL, Supervisor of Industrial Insurance of the Department of Labor and Industries of the State of Washington,  
Defendants.

**Appeal and Supersedeas Bond.**

KNOW ALL MEN BY THESE PRESENTS: That Edward Clifford, Superintendent of the Department of Labor and Industries of the State of Washington, and E. S. Gill, Supervisor of Industrial Insurance of the Department of Labor and Industries of the State of Washington, and National Surety Company of New York, a corporation, organized and existing under and by virtue of the laws of the State of New York, and authorized to do business in the State of Washington, as surety, are held and firmly bound unto Thomas W. Miller, Alien Property Custodian of the United States of America, in the full and just sum of \$2500.00, to be paid to the said Thomas W. Miller, Alien Property Custodian of the United States of America, to which payments, well and truly to be made, we bind ourselves, our successors, and assigns, jointly and severally by these presents.

Sealed with our seals and dated this 1st day of November, 1922.

The condition of the foregoing obligation is such that,

WHEREAS, the appellants above named have duly appealed from the final judgment in the above-entitled cause to the United [47] States Circuit Court of Appeals for the Ninth Circuit; and

WHEREAS, the above-entitled court fixed the amount of the bond to be given by said appellants upon said appeal and as a supersedeas and appeal bond in the sum named as the penalty of this bond;

NOW, THEREFORE, if the appellants shall prosecute their appeal to effect and if they fail to make their plea good shall answer all damages and costs, then this obligation shall be null and void; otherwise to remain in full force and effect.

EDWARD CLIFFORD,

(Director)

Superintendent of the Department of Labor & Industries of the State of Washington.

E. S. GILL,

Supervisor of Industrial Insurance of the Department of Labor & Industries of the State of Washington.

NATIONAL SURETY COMPANY,

By JOHN D. FLETCHER,

Resident Vice-President.

[Corporate Seal] Attest: W. B. GILHAM,  
Resident Assistant Secretary.

Approved.

EDWARD E. CUSHMAN,

Judge.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Southern Division. Nov. 1, 1922. F. M. Harshberger, Clerk.  
By Ed M. Lakin, Deputy. [48]



United States District Court, Western District of  
Washington, Southern Division.

No. 155—E.

THOMAS W. MILLER, Alien Property Custodian  
of the United States of America,  
Plaintiff,

EDWARD CLIFFORD, Superintendent of the De-  
partment of Labor and Industries of the  
State of Washington, and E. S. GILL, Su-  
pervisor of Industrial Insurance of the De-  
partment of Labor and Industries of the  
State of Washington,

Defendants.

### **Citation on Appeal.**

United States of America,—ss.

To Thomas W. Miller, Alien Property Custodian of  
the United States of America, GREETING:

You are hereby cited and admonished to be and  
appear before the United States Circuit Court of  
Appeals for the Ninth Circuit, at the City of San  
Francisco, in the State of California, within thirty  
(30) days from the date hereof, to wit: On the 1st  
day of December, 1922, pursuant to an appeal filed  
in the Clerk's office of the District Court of the  
United States, for the Western District of Wash-  
ington, Southern Division, wherein the above-named  
appellants are appellants and you, the appellee, and  
show cause, if any there be, why said decree should  
not be corrected, and speedy justice be done to the  
parties in that behalf.



WITNESS, the Honorable EDWARD E. CUSHMAN, Judge of the District Court of the United States, for the Western District of [49] Washington, Southern Division, this 1st day of November, 1922.

EDWARD E. CUSHMAN,  
Judge of the District Court of the United States  
for the Western District of Washington, Southern Division.

Attest: F. M. HARSHBERGER,  
Clerk.

By Ed M. Lakin,  
Deputy Clerk of the United States District Court  
for the District of Washington, Southern Division.

Copy of citation on appeal acknowledged this 1st day of Nov., 1922.

H. G. ROWLAND,  
Attys. for Plaintiff.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Southern Division. Nov. 1, 1922. F. M. Harshberger, Clerk. By Ed M. Lakin, Deputy. [50]

United States District Court, Western District of  
Washington, Southern Division.

No. 155—E.

THOMAS W. MILLER, Alien Property Custodian  
of the United States of America,

Plaintiff,

vs.

EDWARD CLIFFORD, Superintendent of the De-  
partment of Labor and Industries of the  
State of Washington, and E. S. GILL, Su-  
pervisor of Industrial Insurance of the De-  
partment of Labor and Industries of the  
State of Washington,

Defendants.

**Praeceptum for Transcript of Record.**

To the Clerk of the Above-entitled Court:

Please make, duly authenticate, and transmit to  
the Clerk of the Circuit Court of Appeals for the  
Ninth Circuit, sitting at San Francisco, a transcript  
of the record on appeal in the above-entitled cause,  
to include the following:

1. Original bill of complaint.
- 1A. Amended bill of complaint.
2. Motion to dismiss amended bill of complaint.
3. Order denying motion to dismiss amended com-  
plaint.
4. Decree and judgment.
5. Petition for appeal.
6. Assignments of error.

7. Order allowing appeal and order fixing appeal and supersedeas bond.
8. Appeal and supersedeas bond.
9. Citation.
10. This praecipe.
11. Clerk's certificate.

L. L. THOMPSON,

Attorney General of the State of Washington.

JOHN H. DUNBAR,

Assistant Attorney General of the State of Washington.

GUIE & HALVERSTADT,

Of Counsel. [51]

[Indorsed]: Filed in the United States District Court, Western District of Washington, Southern Division. Nov. 1, 1922. F. M. Harshberger, Clerk. By Ed M. Lakin, Deputy. [52]

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**Certificate of Clerk U. S. District Court to Transcript of Record.**

United States of America,  
Western District of Washington,—ss.

I, F. M. Harshberger, Clerk of the United States District Court for the Western District of Washington, do hereby certify and return that the foregoing pages numbered from 1 to inclusive, constitute a true and correct transcript of the record and proceedings in the case of Thomas W. Miller, Alien Property Custodian of the United States of America, Plaintiff, *versus* Edward Clifford, Super-

intendent of the Department of Labor and Industries of the State of Washington, et al., No. 155—Equity, in said District Court, as required by Praecipe of Attorneys for Defendants and Appellants filed and shown herein as the originals thereof appear on file and of record in my office in said District at Tacoma.

I further certify and return that I hereto attach the original citation on appeal herein.

I further certify that the following is a true and correct statement of all expenses, costs, fees and charges incurred and paid in my office by and on behalf of the appellants herein for making record, certificate and return to the United States Circuit Court of Appeals for the Ninth Circuit in the above-entitled cause, to wit:

Clerk's Fees (Sec. 828 R. S. U. S.), for making record and return, 142 folios @ 15¢ each .....	\$21.30
Certificate of Clerk to Transcript, 3 folios @ 15¢ each .....	.45
Seal to said Certificate .....	.20

ATTEST my hand and the seal of said District Court at [53] Tacoma, in said District, this 25th day of November, A. D. 1922.

[Seal]

F. M. HARSHBERGER,

Clerk.

By Alice Huggins,

Deputy Clerk. [54]

[Endorsed]: No. 3944. United States Circuit Court of Appeals for the Ninth Circuit. Edward Clifford, Superintendent of the Department of Labor and Industries of the State of Washington, and E. S. Gill, Supervisor of Industrial Insurance of the Department of Labor and Industries of the State of Washington, Appellants, vs. Thomas W. Miller, Alien Property Custodian of the United States of America, Appellee. Transcript of Record. Upon Appeal from the United States District Court for the Western District of Washington, Southern Division.

Filed November 27, 1922.

F. D. MONCKTON,  
Clerk of the United States Circuit Court of Appeals  
for the Ninth Circuit.

By Paul P. O'Brien,  
Deputy Clerk.

